



AUG 04 2005

PTO/SB/30 (04-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Request  
for  
Continued Examination (RCE)  
Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/920,973
Filing Date	August 2, 2001
First Named Inventor	Robert R. Petrocelli
Art Unit	2162
Examiner Name	Joon H. Hwang
Attorney Docket Number	02685

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii.  Other \_\_\_\_\_

b  Enclosed

## 2. Miscellaneous

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a.  The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 19-0120. I have enclosed a duplicate copy of this sheet.

i. <input type="checkbox"/> RCE fee required under 37 CFR 1.17(e)	08/05/2005 SHASSEN1 00000063 09920973
ii. <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)	01 FC:1801 790.00 OP
iii. <input type="checkbox"/> Other _____	
b. <input checked="" type="checkbox"/> Check in the amount of \$ <u>2,410.00</u> enclosed	
c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)	

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature		Date	Aug 2, 2005
Name (Print/Type)	David M. Driscoll	Registration No.	25,075

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature			
Name (Print/Type)	Patricia Blackwell	Date	01/03/2005

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ATTORNEY DOCKET NO. 02685

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert R. Petrocelli  
Serial No: 09/920,973  
Filed: August 2, 2001  
For: METHOD AND APPARATUS FOR DISTRIBUTING DATA ARCHIVING  
Examiner: Joon H. Hwang  
Art Unit: 2162

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 2nd day of Aug, 2005.

*Patricia Blackwell*

Certifier

08/05/2005 SHASSEN1 00000064 09920973

02 FC:1202 600.00 DP

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION**  
**AND RESPONSE TO FINAL OFFICE ACTION**

Dear Sir:

In response to the Official Action mailed February 4, 2005, as extended, Applicant respectfully requests reconsideration.

**AMENDMENT**

Please amend the above-identified application as follows:

In the claims:

Please amend the claims as follows: